

COLLECTION

Of such Statutes as do enjoyn the observation of

LENT,

And other Fish dayes throughout the year, with the Reasons for enjoying the same.

The Reasons for the keeping of Lent expressed in the Stat. 5 El. Cap. 5.

The forfeiture of him that eateth flesh upon fish days. The forfeiture of him in whose house it is eaten.

Condition upon Licence, & what shall be given to the poor upon each Licence.

Who may have licence, & who may give licence to eat flesh upon fish days, and the fee.

License to eat flesh upon fish days, must have one dish of Sea fish.

Flesh not to be killed in Lent.

Officers searching for flesh killed in Lent.

Victuallers dressing of flesh.

Continuance of the former Statute.

Made perpetual.

And be it further enacted by the Authority aforesaid for the benefit and Commodity of this Realm, to grow, as well in maintenance of the Navy, as in spairing and increase of Flesh victuall of this Realm.

It shall not be Lawfull to any person within this Realme to Eat any Flesh upon any dayes now usually observed as Fish dayes (upon paine to forfeit twenty shillings for every time he shall offend, or else suffer one moneths close Imprisonment without bail or mainprise 35 Eliz. 7.) And every person within whose house any such offence shall be done: and being partly and knowing thereof, and not effectually punishing and disclosing the same unto some publique Officer having authority to punish the same, for every such offence shall forfeit thirtie shillings four pence (35 Eliz. 7.) All which forfeitures for not abstaining from Meates shall be divided into three equal parts: that is, one part to the use of the Quene, the other to the Informer, the third to the common use of the Parish where the Offence shall be committed, and to be levied by the Church-wardens after any Conviction in that behalf, 5 Eliz. 5.

But this Act concerning eating of Flesh shall not extend to any persons having special Licences upon Causes contained in the same, and grounded according to the Lawes of this Realme: Every of which Licences shall be void, unless the same containe these Conditions, viz. Every Licence made to any person of the degree of a Lord of the Parliament and his Wife, shall be upon condition, that they shall pay to the Poore mens box within the Parish where they remaine, &c. in the Feast of the Purification of our Lady, or within six days after, twenty six shillings eight pence, and to be paid within one moneth next after the same Feast upon paine of forfeiture of the same Licence: A Knight and his Wife shall pay yearly thirtie shillings four pence. Every person under the said degree shall pay yearly six shillings eight pence to the said use at the foresaid time, and upon the foresaid Condition, 5 Eliz. 5.

All persons which by notorious sickness shall be enforced for the recovery of their health to eat flesh for the time of their sickness, shall be licensed by the Bishop of the Diocese, or by the Parson, Vicar, or Curate of such Parish where such person is sicke, or of one of the next Parish adjoining (if there be no Curate, &c. in the same Parish, or if he be unwilling) which Licence shall be signed by the Bishop, Parson, Vicar, or Curate, and shall endure no longer then the time of sickness: And if the sickness continue above eight dayes after the Licence granted, it shall be registered in the Church Book with the knowledge of one of the Church-wardens: And the party licensed shall give to the Curate four pence for every Cathe, and it shall endure no longer but for his sickness. And if any Licence by any Parson, Vicar, or Curate be granted to any person other then such as evidently appeare to have need thereof by reason of their sickness, not only every such Licence shall be void, but also every such Parson, Curate or Vicar shall forfeit for every such Licence otherwise granted five Marks, 5 Eliz. 5.

Every person as have upon good Considerations any lawfull Licence to eat flesh upon any fish day, be bound to have for every one dish of flesh served to be eaten at their Table, one usual dish of Sea fish fresh or salt to be likewise served at the same Table, and to be eaten or spent without fraud or covin as the like kind is, or shall be usually eaten or spent on Saturdayes (except such persons as for sickness shall for that time be licensed by the Bishop, Curate, &c. or by reason of age or other impediment allowed heretofore by the Ecclesiastical Lawes of this Realme) upon the pain aforesaid, 5 Eliz. 5. 1 Jac. 25.

No Butcher or other person, whether he be licensed or not licensed to kill flesh, shall from henceforth at any time in the time of Lent, kill or dresse to the intent to put to sale any Oxe or Oxen, Bees, Beets, Hogs, Calves, Rams, Swes, or Weathers, except Oxen or Bees for victualling of ships into foreign parts; and except all flesh to be killed three dayes before Easter yearly upon pain to forfeit and lose the same Oxen, Bees, &c. so killed and drested contrary to this Statute, or the value of them, 1 Jac. 29.

All Justices of the Peace, Mayors, Bayliffs, head Officers and Constables as well of Cities and Townes Corporates as in every County of this Realme, shall have full authority yearly in the time of Lent, to enter into all houses of Victuallers and common Victualling houses within their Jurisdictions where such offences shall be suspected to be committed, and finding any such Oxen, Bees, &c. killed or drested, or any part or parcell of the same contrary to this Statute shall take and seise the same as forfeited, and shall give and distribute the same to Prisoners and other poore folks by their discretion, 1 Jac. 29.

Every Taverner, Inn-keeper, keeper of every common Tablinghouse, common Cooke, common Tipler, or Alehouse-keeper offending at any time hereafter in the dressing of any flesh victuall contrary to the Statute of Anno 5 Eliz. or contrary to this Statute, shall not only forfeit all the flesh so drested, but also the penalty imposed by the said Statute of 5 Eliz. for every offence to be committed, the one half of which forfeitures (Except such forfeitures as shall be found and taken by the Justices of Peace, Mayors, Bayliffs, head Officers and Constables according to the Tenor of this Act) shall be to the King, and the other halfe to such person or persons as shall sue or informe for the same in any Court of Record by Action of Debt, Bill, Plaint, or Information, wherein no Escoyn, Protection, or Wager of Law shall be allowed, &c. 1 Jac. 29. To continue to the end of the first Session of the next Parliament.

A Clause in an Act 3 Car. 1. 4. And so much of an Act made the 5th year of the Reigns of the late Queen Eliz. Intituled An Act touching certain Politick Constitutions made for the maintenance of the Navy, as is not repealed by any latter Statute, nor doth concern the eating of flesh, using of fish upon the Wednesday, &c. together with all and every other additions, explanations, and alterations made thereunto, or thereof or of any part thereof by any Statute or Statutes made since the making of the said last mentioned Act, and in force the last day of the Session of Parli. that was in the 21 yeare of the Reigns of the late King James, &c. shall continue in force until the end of the next Session of Parli.

By a Clause in an Act of 17 Car. 1. cap. 4. The aforesaid Stat. be made perpetual. See the Abridgment of the late Statutes. Title, Continuance.

Note that all the time of Lent, and every Vigil (or Holy day Eve) and every Friday & Saturday (except Christmas-day falls thereon) and the embri dayes throughout the whole year were usually observed by the Laws and customes of the Realm as Fish dayes, which is proved by the preamble of the Stat. 2 & 3 Ed. 6. cap. 19. whereby also it is Enacted, that in those times such abstinence should be used: And the Stat. of 5 & 6 Ed. 6. cap. 3. appoints which dayes shall be kept holy, the Eves of which are only to be observed for Fish dayes.

And by the Stat. of 5 Eliz. 5. Every Wednesday in the year (which shall not happen to fall in Christmas or Easter week) is limited to be observed as Fish day, on which day no manner of person shall eat any Flesh otherwise then ought to be on the common Saturday.

Note that by a proviso in the Stat. of 5 Eliz. cap. 5. It is Enacted, that whosoever shall by preaching, teaching, writing, or open speaking in public, that any eating of fish, or forbearing of flesh mentioned in this Stat. is of any necessity for the saving of the soul of man, or that it is service of God, otherwise then as other Politick Lawes are, and be, that then such persons shall be punished as spreaders of false doctines and ought to be.

The Faculty Office for granting Dispensations and Licences to eat flesh, (by Act of Parliament) in any part of England, is at St. Pauls Church-yard.